

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 23-0097V

JESSICA JOYCE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 14, 2024

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Voris Edward Johnson, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON DAMAGES¹

On January 25, 2023, Jessica Joyce filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleged that she suffered a left-sided shoulder injury related to vaccine administration (“SIRVA”) as the result of an influenza (“flu”) vaccine received on January 12, 2022. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 4, 2023, a Ruling on Entitlement was issued, finding Petitioner entitled to compensation for a SIRVA. On August 14, 2024, Respondent filed a Proffer on award of compensation (“Proffer”). Respondent represented that Petitioner agrees with the proffered award. *Id.* at 1 – 2. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Pursuant to the terms stated in the Proffer, I award the following compensation:

A lump sum of \$118,153.56 (representing \$107,500.00 for pain and suffering, \$8,972.81 for lost earnings, and \$1,680.75 for past unreimbursable expenses) in the form of a check payable to Petitioner. Proffer at 1. This amount represents compensation for all damages that would be available under Section 15(a). *Id.*

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

On December 1, 2023, respondent, the Secretary of Health and Human Services, filed his Rule 4(c) Report conceding entitlement to compensation in this matter alleging a left shoulder injury related to vaccine administration (“SIRVA”) following an intramuscular influenza vaccination, a Table injury. ECF Doc. 21. On December 4, 2023, the Court entered its Ruling on Entitlement, finding petitioner Jessica Joyce entitled to Vaccine Act compensation. ECF Doc. 22. Respondent now proffers that petitioner receive a compensation award consisting of a lump sum of **\$118,153.56**, which amount includes \$107,500.00 for pain and suffering, \$8,972.81 in lost earnings, and \$1,680.75 for past unreimbursed expenses, in the form of a check payable to petitioner, Jessica Joyce.¹ This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner is entitled.²

² Should petitioner die prior to entry of judgment, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering, and the parties reserve the right to move the Court for appropriate relief.

Petitioner agrees with the proffered award of \$118,153.56.³

Respectfully submitted,

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Date: August 14, 2024

³ This proffer does not include any award for attorneys’ fees and costs that may be awarded pursuant to 42 U.S.C. § 300aa-15(e).